

Plaintiffs' Proposed Jury Verdict Form

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA, *et al.*,

Plaintiffs and Relator,

v.

**NOVARTIS PHARMACEUTICALS
CORPORATION,**

Defendant.

UNITED STATES OF AMERICA,

Plaintiff,

v.

**NOVARTIS PHARMACEUTICALS
CORPORATION,**

Defendant.

11 Civ. 0071 (PGG)

SPECIAL VERDICT FORM

We, the jury, unanimously find as follows:

**I. COUNT ONE – COMPLAINT OF UNITED STATES
FEDERAL FALSE CLAIMS ACT – CAUSED SUBMISSION OF FALSE OR
FRAUDULENT CLAIMS (31 U.S.C. § 3729(a)(1)(A))**

1. Has the United States proven by a preponderance of the evidence that Novartis violated the federal False Claims Act by causing the submission of false or fraudulent claims to government health insurance programs?

Yes _____

No _____

If you answered “Yes” to Question 1, go to Question 2. If you answered “No” to Question 1, go directly to Question 4.

2. Specify how many illegal bribes Novartis offered or paid to doctors who afterwards wrote prescriptions that were submitted to government health insurance programs for reimbursement. You may not mark zero (0).

Number of Bribes: _____

Go to Question 3.

3. What is the total dollar amount of damages that the United States sustained as a result of Novartis's violations of the False Claims Act under Count One.

\$ _____

**II. COUNT TWO – COMPLAINT OF THE UNITED STATES
FEDERAL FALSE CLAIMS ACT – FALSE STATEMENT (31 U.S.C. § 3729(a)(1)(B))**

4. Has the United States proven by a preponderance of the evidence that Novartis violated the False Claims Act by causing false statements material to a false or fraudulent claim to be made or used?

Yes _____

No _____

If you answered "Yes" to Question 4, go to Question 5. If you answered "No" to Question 4, go directly to Question 7.

5. Specify how many illegal bribes Novartis offered or paid to doctors who afterwards wrote prescriptions that were submitted to government health insurance programs for reimbursement. You may not mark zero (0).

Go to Question 6.

6. What is the total dollar amount of damages that the United States sustained as a result of Novartis's violations of the False Claims Act under Count Two.

\$ _____

**III. COUNT THREE – COMPLAINT OF THE UNITED STATES
COMMON LAW UNJUST ENRICHMENT**

7. Has the United States proven by a preponderance of the evidence that Novartis was unjustly enriched?

Yes _____

No _____

If you answered "Yes" to Question 7, go to Question 8. If you answered "No" to Question 7, go directly to Question 9.

8. Specify by dollar amount how much Novartis was unjustly enriched.

Go to Question 9.

**IV. STATE FALSE CLAIMS ACT CLAIMS
CAUSED SUBMISSION OF FALSE OR FRAUDULENT CLAIMS**

9. Have the Plaintiffs proven by a preponderance of the evidence that Novartis violated any state False Claims Acts by causing the submission of false or fraudulent claims to that state's Medicaid program?

Yes _____

No _____

If you answered "Yes" to Question 9 go to Question 10. If you answered "No" to Question 9, go directly to Question 12.

10. Please indicate by placing a checkmark next to the State's name if you have determined that Novartis violated that state's False Claims Act by causing the submission of false or fraudulent claims to that state's Medicaid program.

_____ California	_____ Louisiana	_____ North Carolina
_____ Colorado	_____ Maryland	_____ Oklahoma
_____ Connecticut	_____ Massachusetts	_____ Rhode Island
_____ Delaware	_____ Michigan	_____ Tennessee
_____ Dist. of Columbia	_____ Minnesota	_____ Texas
_____ Florida	_____ Montana	_____ Virginia
_____ Georgia	_____ New Hampshire	_____ Washington
_____ Hawaii	_____ New Jersey	_____ Wisconsin
_____ Illinois	_____ New Mexico	
_____ Indiana	_____ New York	
_____ Iowa	_____ Nevada	

11. For each state that you checked in response to Question 10, please indicate on the line next to that state's name below the total dollar amount of damages that such state sustained as a result of Novartis's violations of the state's False Claims Act.

_____ California	_____ Iowa	_____ New York
_____ Colorado	_____ Louisiana	_____ Nevada
_____ Connecticut	_____ Maryland	_____ North Carolina
_____ Delaware	_____ Massachusetts	_____ Oklahoma
_____ Dist. of Columbia	_____ Michigan	_____ Rhode Island
_____ Florida	_____ Minnesota	_____ Tennessee
_____ Georgia	_____ Montana	_____ Texas
_____ Hawaii	_____ New Hampshire	_____ Virginia
_____ Illinois	_____ New Jersey	_____ Washington
_____ Indiana	_____ New Mexico	_____ Wisconsin

**V. STATE FALSE CLAIMS ACT CLAIMS
CAUSED SUBMISSION OF FALSE OR FRAUDULENT CLAIMS**

12. Have the Plaintiffs proven by a preponderance of the evidence that Novartis violated any state False Claims Acts by causing false statements material to a false or fraudulent Medicaid claim to be made or used?

Yes _____ No _____

If you answered "Yes" to Question 12, go to Question 13. If you answered "No" to Question 12, go directly to Question 15.

13. Please indicate by placing a checkmark next to the State's name if you have determined that Novartis violated that state's False Claims Act by causing false statements material to a false or fraudulent Medicaid claim to be made or used.

_____ California	_____ Louisiana	_____ North Carolina
_____ Colorado	_____ Maryland	_____ Oklahoma
_____ Connecticut	_____ Massachusetts	_____ Rhode Island
_____ Delaware	_____ Michigan	_____ Tennessee
_____ Dist. of Columbia	_____ Minnesota	_____ Texas
_____ Florida	_____ Montana	_____ Virginia
_____ Georgia	_____ New Hampshire	_____ Washington
_____ Hawaii	_____ New Jersey	_____ Wisconsin
_____ Illinois	_____ New Mexico	
_____ Indiana	_____ New York	
_____ Iowa	_____ Nevada	

14. For each state that you checked in response to Question 13, please indicate on the line next to that state's name below the total dollar amount of damages that such state sustained as a result of Novartis's violations of the state's False Claims Act.

_____ California	_____ Iowa	_____ New York
_____ Colorado	_____ Louisiana	_____ Nevada
_____ Connecticut	_____ Maryland	_____ North Carolina
_____ Delaware	_____ Massachusetts	_____ Oklahoma
_____ Dist. of Columbia	_____ Michigan	_____ Rhode Island
_____ Florida	_____ Minnesota	_____ Tennessee
_____ Georgia	_____ Montana	_____ Texas
_____ Hawaii	_____ New Hampshire	_____ Virginia
_____ Illinois	_____ New Jersey	_____ Washington
_____ Indiana	_____ New Mexico	_____ Wisconsin

VI. NEW YORK - UNJUST ENRICHMENT

15. Has Plaintiff the State of New York proven by a preponderance of the evidence that Novartis obtained money from the New York State Medicaid Program under such circumstances that Novartis should not in good conscience be entitled to retain it?

Yes _____

No _____

16. If you answered Yes in response to Question 15, please indicate the total dollar amount of money that Novartis is liable to repay to the State of New York.

\$ _____

VII. NEW YORK EXECUTIVE LAW § 63-c

17. Has Plaintiff the State of New York proven by a preponderance of the evidence that Novartis caused the submission of false or fraudulent claims for payment to the New York State Medicaid program, and thereby obtained money from the New York State Medicaid program without right?

Yes _____

No _____

18. If you answered Yes in response to Question 17, please indicate that total dollar amount of money that Novartis obtained without right by causing the submission of false or fraudulent claims to the New York State Medicaid program?

\$ _____